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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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026339      MMC2/0913  
HUTCHINS, WHEELER & DITTMAR  
101 FEDERAL STREET  
BOSTON MA 02110

EXAMINER

NADAV, O

ART UNIT

PAPER NUMBER

2811

DATE MAILED:

09/13/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**09/550,405**

Applicant(s)  
**lo**

Examiner  
**ORI NADAV**

Art Unit  
**2811**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Aug 6, 2001
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 20-23 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 20-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 20) ☐ Other:

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## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 6 is objected to because of the following informalities: Claim 6 recites low resistive wiring layers being located outwardly beyond a peripheral edge of the sidewall offset. Dependent claim 22 recites forming only one sidewall offset. It is unclear how a wiring layer can be located beyond a peripheral edge of a sidewall offset which does not exist. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 5-6, 11, 20 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Gonzalez (5,439,835).

Gonzalez teaches in figure 9 a semiconductor device comprising a memory cell formed on a semiconductor substrate 12, an insulating layer 13 defining device regions, a gate region 16, source and drain regions 23 (figure 2) around the gate electrode, a sidewall

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41 (figure 4) covering the gate electrode and having a sidewall offset extending outwardly of the gate electrode along a surface of the substrate above only one of the source and drain regions and along a surface of a gate oxide, low resistive wiring layers 92, 51 (figure 5) formed at surfaces of the source and drain layers being located outwardly beyond a peripheral edge of the sidewall offset, at least one of the source and drain region layers extending towards the gate electrode beyond an edge of the sidewall offset.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which the subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 3-4, 6, 9-10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez in view of Cheng et al. (5,545,575).

Gonzalez teaches substantially the entire claimed structure, as applied to claim 1 above, except second diffusion layers of lower impurity concentration than that of the source and drain regions formed below the source and drain regions.

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Chen et al. teach in figure 7 second diffusion layers 43, 44 of lower impurity concentration than that of the source and drain regions (column 4, lines 24-26 and column 6, lines 2-4) formed below the source and drain regions.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form lower impurity concentration second diffusion layers below the source and drain regions in Gonzalez's device, in order to improve the device characteristics.

Regarding claim 6, Cheng et al. teach in figure 7 silicide wiring layers 64 formed at surfaces of the source and drain layers being located outwardly beyond a peripheral edge of the sidewall offset. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to form silicide wiring layers at surfaces of the source and drain layers being located outwardly beyond a peripheral edge of the sidewall offset in Gonzalez's device in order to reduce the contact resistance of the device.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gonzalez and Cheng et al., as applied to claim 6 above, and further in view of Kunishima et al. (5,316,977).

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Gonzalez and Cheng et al. teach substantially the entire claimed structure, as applied to claim 1 above, except a silicide layer comprising titanium silicide.

Kunishima et al. teach in figure 5C a silicide layer 21 comprising titanium silicide.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a titanium silicide in Gonzalez and Cheng et al.'s device, because titanium silicide is a conventional silicide material, of which official notice is taken.

7. Claims 1-4, 6, 8-10, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al.

Cheng et al. teach in figure 15 a semiconductor device comprising a semiconductor substrate 11, an insulating layer 19 defining device regions, a gate region 28, source and drain regions 57, 58 around the gate electrode, a sidewall 66 covering the gate electrode and having a sidewall offset extending outwardly of the gate electrode along a surface of the substrate in both regions above the source and drain regions and along a surface of a gate oxide, silicide wiring layers 64 formed at surfaces of the source and drain layers being located outwardly beyond a peripheral edge of the sidewall offset, at least one of the source and drain region layers extending towards the gate electrode beyond an edge of the sidewall offset, and second diffusion layers 43, 44 of lower impurity concentration than that of the source and drain regions (column 4,

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lines 24-26 and column 6, lines 2-4) formed below and surrounding the source and drain layers.

Although Cheng et al. do not explicitly state that a sidewall offset extends outwardly of the gate electrode along a surface of a gate oxide, figure 15 depicts a sloped sidewall offset being located outwardly of the vertical sidewall and along a surface of the gate oxide. Therefore, Cheng et al. teach a sidewall offset extends outwardly of the gate electrode along a surface of a gate oxide. Thus, the claimed structure is considered to be at least obvious over Gonzalez's structure.

Regarding claims 21 and 23, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to cover entirely the gate electrode of Cheng et al.'s device with the sidewall in order to provide better protection for the gate in an application which does not require external connection to the gate.

8. Claims 5, 7, 11, 21 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheng et al., as applied to claims 1 and 6 above, and further in view of Kunishima et al.

Cheng et al. teach substantially the entire claimed structure, as applied to claims 1 and 6 above, except a silicide layer comprising titanium silicide.

Kunishima et al. teach in figure 5C a silicide layer 21 comprising titanium silicide.

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a titanium silicide in Cheng et al.'s device, because titanium silicide is a conventional silicide material, of which official notice may be taken.

Regarding claims 5 and 11, Kunishima et al. teach using the semiconductor device as a CMOS device, and it is well known in the art that CMOS devices are used as memory devices.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use Cheng et al.'s device as a memory device, because the intended use of a device depends on the requirements of the application in hand.

Note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding claims 21 and 23, Kunishima et al. teach in figure 5C a sidewall entirely covering the gate electrode. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to cover entirely the gate electrode of Cheng



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et al.'s device with the sidewall in order to provide better protection for the gate in an application which does not require external connection to the gate.

### ***Response to Arguments***

9. Applicant's arguments with respect to claims 1-11 and 20-23 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

**Papers related to this application may be submitted to Technology center (TC) 2800 by facsimile transmission. Papers should be faxed to TC 2800 via the TC 2800 Fax center located in Crystal Plaza 4, room 4-C23. The faxing of such papers must conform with the notice published in the Official Gazette, 1096 OG 30 (November 15, 1989). The Group 2811 Fax Center number is (703) 308-7722 and 308-7724. The Group 2811 Fax Center is to be used only for papers related to Group 2811 applications.**

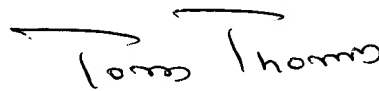
Any inquiry concerning this communication or any earlier communication from the Examiner should be directed to *Examiner Nadav* whose telephone number is **(703) 308-8138**. The Examiner is in the Office generally between the hours of 7 AM to 3 PM (Eastern Standard Time) Monday through Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Thomas, can be reached at **(703) 308-2772**.

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Any inquiry of a general nature or relating to the status of this application should be directed to the **Technology Center Receptionists** whose telephone number is **308-0956**

A handwritten signature in black ink that reads "Tom Thomas". The signature is written in a cursive style with a horizontal line above the first name.

**TOM THOMAS**  
**SUPERVISORY PATENT EXAMINER**

Ori Nadav

September 10, 2001